RSC
Republican Study Committee

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Legislative Bulletin……..…...……December 19, 2001

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H.R. 3275 — To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes (Smith, Lamar)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, December 18, 2001.

Summary: H.R. 3275 consists of two titles the first deals with the implementation of the Terrorist Bombing Convention, the second deals with implementation of the Suppression of the Financing of Terrorism Convention.

Title I adds the following to the list of crimes that fall under terrorism in the U.S. Code punishable by up to life in prison and the death penalty (if deaths occurred from act) and effective on the date that the terrorist bombing convention enters into force for the U.S.:

- "Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—(1) with the intent to cause death or serious bodily injury, or (2) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished [by up to life or death].

H.R. 3275 Title I lays out where there is jurisdiction over offenses taking place *inside* the U.S. (under 8 circumstances) and where there is jurisdiction over offenses taking place *outside* the U.S. (under 7 circumstances). The bill also specifically exempts activities of the armed forces, activities undertaken by military forces "in the exercise of their official duties," and "offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce."

Title II adds the following to the list of crimes that fall under terrorism in the U.S. Code punishable by a fine and/or imprisonment up to either 20 or 10 years and effective on the date that the Suppression of the Financing of Terrorism Convention enters into force for the U.S.:

- Whoever, directly or indirectly, unlawfully and willfully provides or collects funds (or attempts or conspires) with the intention that such funds be used, or are to be used to carry out 1) an act which constitutes an offense within the scope of the Suppression of the Financing of Terrorism treaty, as implemented by the United States, or 2) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

And the bill adds knowingly concealing or disguising material support or resources to terrorist organizations to the acts punishable under U.S. Code.

H.R. 3275 Title II lays out where there is jurisdiction over these offenses taking place *inside* the U.S. (under 9 circumstances) and where there is jurisdiction over offenses taking place *outside* the U.S. (under 9 circumstances).

Liable to US: In addition to any other liabilities or penalties, any legal entity located within the U.S. or organized under the laws of the U.S. shall be liable to the U.S. for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed a financing offense under this bill.

Further Background:

The U.S. conceived The International Convention for the Suppression of Terrorist Bombings after the bombing attack on U.S. military personnel in Saudi Arabia in 1996.

President Clinton signed this treaty on January 12, 1998, and transmitted it to the Senate on September 8, 1999. 28 nations are a party to the Convention, which entered into force internationally on May 23, 2001.

- According to the Committee, the Convention imposes binding legal obligations upon nations either to submit for prosecution or to extradite any person within their jurisdiction who unlawfully and intentionally delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility. A nation is subject to these obligations without regard to the place where the alleged act covered by the Convention took place.

The International Convention for the Suppression of the Financing of Terrorism was signed by President Clinton on January 10, 2000, and transmitted to the Senate on October 12, 2000. The Convention is not yet in force internationally, but will enter into force on the 13 day after it is ratified by the 22nd state.

- According to the Committee, the Convention imposes binding legal obligations upon nations either to submit for prosecution or to extradite any person within their jurisdiction who unlawfully and willfully provides or collects funds with the intention that they should be used to carry out various terrorist activities. A nation is subject to these obligations without regard to the place where the alleged act covered by the Convention took place.

Administration: President Bush sent Congress a legislative proposal to implement these two treaties on October 26, 2001 (House Document 107-139).

Cost to Taxpayers: CBO estimates that enacting H.R. 3275 would have no significant impact on the federal budget. The bill could affect direct spending and receipts; however, CBO estimates that any such effects would not be significant because of the small number of cases that are likely to be involved. CBO expects that any increase in federal costs for law enforcement, court proceedings, or prison operations under the bill would not be significant because such cases would likely be pursued under current law.

Does the Bill Create New Federal Programs or Rules: The bill adds new sections to US Code on terrorism making it an act of terrorism to bomb certain structures and to financing terrorism.

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S. 1202 — Office of Government Ethics Authorization Act of 2001 (Sen. Lieberman)

Order of Business: The bill will be considered under suspension of the rules on Wednesday, December 19, 2001.

Summary: S. 1202 would reauthorize the Office of Government Ethics for FY02-06. The authorization for this office expired in 1999, though appropriators have continued to fund it for the past 2 fiscal years and again in the FY02 Treasury/Postal Appropriations bill.

Additional Background: According to the Committee, OGE was established by Title IV of the Ethics in Government Act of 1978, to provide 'overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency.' OGE's role has subsequently expanded by statute and executive order. In addition to its programs relating to prevention of conflict of interest, OGE now provides interpretive guidance, training, and administrative support on a number of other requirements related to employee conduct, such as potential misuse of one's official position and the rules governing gifts between employees. More recently, in light of the corrosive effect of corruption upon certain foreign governments and economies, U.S. foreign-policy agencies have called upon OGE to provide technical assistance to foreign governments regarding methods for preventing conflict of interest and other ethics violations as part of broader anti-corruption efforts.

Cost to Taxpayers: CBO estimates that implementing S. 1202 would cost $56 million over the 2002-2006 period, subject to appropriations. This estimate assumes adjustments for anticipated inflation. Without such adjustments, CBO estimate that implementation would cost $49 million over the 2002-2006 period.

FY	Budget	Employees
1997	$8,078,000	87
1998	8,265,000	84
1999	8,492,000	84
2000	9,114,000	84
2001	9,663,000	82
2002	$10,117,000	82

Constitutional Authority: A Senate Gov't Affairs Committee Rpt. (107-88) does not cite any Constitutional Authority.

Does the Bill Create New Federal Programs or Rules: The bill reauthorizes an office that technically expired in FY99, but has continued to receive funds in annual appropriations bills

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H.R. 2657—District of Columbia Family Court Act
(DeLay [with Senate amendment])

Order of Business: On September 20, 2001, the House passed H.R. 2657 by a vote of 408-0. On December 14, 2001, the Senate passed by unanimous consent H.R. 2657 with an amendment. The House consideration of the bill with the Senate amendment is scheduled for Wednesday, December 19th, under a motion to suspend the rules and pass the bill.

Summary: The following is the summary of the House-passed bill. The Senate amendment made largely minor or technical changes. Any noteworthy changes made by the Senate amendment are indicated in **red bold**.

H.R. 2657 would amend the District of Columbia Code to create the "Family Court of the Superior Court of the District of Columbia." Currently, there is a Family Division within the Superior Court of the District of Columbia. The bill requires that the new court hear all proceedings currently under the jurisdiction of the Family Division. Currently, other divisions of the Superior Court routinely hear cases that should be heard by the Family Court.

The legislation would establish provisions with respect to:

- The number of judges serving on the Family Court
  --not more than 15 at any one time
  --but not less than the number of judges determined by the chief judge of the Superior Court to be needed to serve
- Necessary qualifications needed for judges serving on the Family Court
- Terms of service
  --five years, unless otherwise excepted
  --not fewer than three years for currently sitting judges on the Superior Court, unless otherwise excepted
- The administration of cases and proceedings in the Family Court
  --explication of matters of original jurisdiction for the Family Court
  --emphasis on alternative dispute resolution procedures
  --establishment of standards of practice for attorneys appointed as counsel in the Family Court
  --"One Family, One Judge" policy, whereby the issues within the jurisdiction of the Family Court concerning one family or one child would be decided by one judge, to the greatest extent practicable
  --barring unusual circumstances, any Family Court action would remain under the jurisdiction of the Family Court until the action is disposed
  --ensuring that all materials and services of the Family Court are "understandable and accessible" to the people served by the Court and that the Court is generally family-friendly
- On-site coordination of social services and other related services
  --services of such agencies as the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor would be available at the

Family Court
--the Mayor would appoint a social services liaison to coordinate such services and provide information to the Mayor's office
--H.R. 2657 authorizes the appropriations of "such sums" each fiscal year to carry out the on-site coordination of social services

- Expedited appeals
  --any appeal from an order of the Family Court terminating parental rights or granting or denying a petition to adopt would receive expedited review by the District of Columbia Court of Appeals
- The treatment of hearing commissioners as "magistrate judges"
- Rules for the selection of and authorized duties of Family Court magistrate judges

The chief judge of the Superior Court would be required to submit to Congress and the President within 90 days after the bill's enactment a transition plan for the Court. Within two years of enactment, the Comptroller General would be required to submit a report to Congress and the chief judge of the Superior Court of the District of Columbia on the transition to the Family Court and the progress of the provisions of this legislation. And within 3 months after the end of each calendar year, the chief judge of the Superior Court would be required to submit to Congress a report on the progress of the Family Court with respect to the provisions in this legislation.

The presiding judge of the Family Court would be required to carry out an ongoing training program in family law and related matters for Family Court judges, other Superior Court judges, and appropriate non-judicial personnel. The bill would also require the Executive Officer of the D.C. courts to establish an electronic tracking and management system for Family Court cases and proceedings, with all records and materials stored and maintained in an accessible electronic format. The Mayor of D.C. would be required to plan for the integration of the D.C. Government's computer system with that of the Superior Court so that the Family Court and the appropriate offices of the D.C. Government which provide social services to people served by the Family Court will be able to access and share information on such individuals and families. (H.R. 2657 would authorize "such sums" as would be necessary for this computer system integration.)

The bill would now carry a sense of the Senate that "the chief judge of the Superior Court and the presiding judge of the Family Division should take all steps necessary to encourage, support, and improve the use of Court Appointed Special Advocates (CASA) in family court actions or proceedings."

Not later than 12 months after enactment, the chief judge of the Superior Court and the presiding judge of the Family Court, in consultation with the General Services Administration, would be required to submit to Congress 1) a feasibility study for the construction, lease, or acquisition of appropriate permanent courts and facilities for the Family Court; and 2) an analysis of the success of the use of magistrate judges under the expedited appointment procedures in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court.

The bill would authorize to be appropriated to the D.C. courts **and the District of Columbia** "such sums as may be necessary" ~~(including sums necessary for salaries and expenses, and capital improvements for the D.C. courthouse facilities)~~ to carry out this Act.

Cost to Taxpayers: CBO estimates that the version of the bill reported to the Senate floor (which was only technically amended on the Senate floor) would authorize appropriations of **$95.0 million** over the 2002-2006 period ($21.0 million in the first year).

Does the Bill Create New Federal Programs or Rules?: The bill would reorganize and provide new rules for a division of the Superior Court of the District of Columbia, as detailed in the "Summary" section above.

Constitutional Authority: Senate Report 107-108 does not cite constitutional authority for the bill.

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H.R. 2199—District of Columbia Police Coordination Amendment Act (*Norton*)

Order of Business: On September 25, 2001, the House passed H.R. 2199 by voice vote. On December 11, 2001, the Senate passed by unanimous consent H.R. 2199 with an amendment. The House consideration of the bill with the Senate amendment is scheduled for Wednesday, December 19th, under a motion to suspend the rules and pass the bill.

Summary: The Senate amendment to H.R. 2199 is technical. H.R. 2199 would amend current law to permit any federal law enforcement agency to enter into a cooperative agreement with the D.C. Police Department to assist the Department in carrying out crime prevention and law enforcement activities (if deemed appropriate by the Police Chief and the United States Attorney for the District of Columbia).

Cost to Taxpayers: CBO estimates that H.R. 2199 would have "no significant impact" on the federal budget.

Does the Bill Create New Federal Programs or Rules?: The bill would allow crime-prevention and law-enforcement coordination between the D.C. Police Department and any federal law enforcement agency.

Constitutional Authority: Senate Report 107-103 does not cite constitutional authority for the bill.

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H.Con.Res. 279—Recognizing and commending the excellent service of members of the Armed Forces who are prosecuting the war to end terrorism as a threat to the nation (Schrock)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 19th, under a motion to suspend the rules and pass the bill.

Summary, as amended: H.Con.Res. 279 would resolve that Congress "recognizes and commends the excellent service of all in the Armed Forces who are prosecuting the war to end terrorism and protecting the security of the Nation."

The resolution would also state that:

- among the first military units to make the transition from peace preservation to wartime operations was the USS Enterprise Battle Group, which on September 11, 2001, while en route back to the United States from a scheduled peacetime deployment, was immediately redeployed to conduct operations against terrorists;
- "elements of the Army, Navy, Air Force, and Marine Corps began deploying to the theater of war to secure bases and support combat operations as early as September 19, 2001."

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.J.Res. 75—Regarding the monitoring of weapons development in Iraq, as required by United Nations Security Council Resolution 687 (April 3, 1991) (Graham)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 19th, under a motion to suspend the rules and pass the bill.

Summary: H.J.Res. 75 would resolve that:

- "the United States and the United Nations Security Council should insist on a complete program of inspection and monitoring of the development of weapons of mass destruction in Iraq, in strict compliance with United Nations Security Council Resolutions 687 (April 3, 1991), 707 (August 15, 1991), and 715 (October 11, 1991);

- "Iraq should allow United Nations weapons inspectors 'immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect,' as required by United Nations Security Council Resolution 707;
- "the United States should ensure that the United Nations does not accept any monitoring regime that fails to guarantee weapons inspectors immediate, unconditional, and unrestricted access to any and all areas, facilities, equipment, records, and means of transportation which they wish to inspect;
- "Iraq, as a result of its refusal to comply with the terms of United Nations Security Council Resolution 687 and subsequent relevant resolutions, remains in material and unacceptable breach of its international obligations; and
- "Iraq's refusal to allow United Nations weapons inspectors immediate, unconditional, and unrestricted access to facilities and documents covered by United Nations Security Council Resolutions 687 and 707 and other relevant resolutions presents a mounting threat to the United States, its allies, and international peace and security."

Additional Background: According to H.J.Res. 75, Security Council Resolution 687 requires Iraq to remove or dismantle its weapons of mass destruction (including biological and chemical weapons) and to end its programs to develop such weapons, restricts imports into Iraq until the United Nations Security Council is satisfied that Iraq is free of weapons of mass destruction, and calls for the creation of a United Nations special commission to monitor weapons activities in Iraq." Security Council Resolution 687, of which Iraq has been in breach for over a decade, is enforceable by military action.

UN Security Council Resolutions 707 and 715, referenced above, both express the UN's dissatisfaction with Iraq's lack of progress on complying with Security Council Resolution 687.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 2739—To amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland (*Brown, Sherrod*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2739 would amend Pubic Law 107-10 by authorizing a U.S. plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May **2002** (current law authorized the plan for 2001) in Geneva, Switzerland, and by adding the following two findings:

- "On May 11, 2001, President Bush stated in his letter to Senator Murkowski that the United States 'should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible,' further stating that his Administration 'has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO.'
- "On May 16, 2001, as part of the United States delegation to the World Health Assembly meeting in Geneva, Switzerland, Secretary of Health and Human Services Tommy Thompson announced the Administration's support of Taiwan's participation in the activities of the WHO."

Additional Background: To read the RSC Legislative Bulletin on Public Law 107-10 (H.R. 428), go to this website: http://www.house.gov/burton/RSC/lb515.PDF
Cost to Taxpayers: The bill would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The International Relations Committee has stated that it is not going to prepare a committee report for this bill, therefore a statement of constitutional authority is unavailable.

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S. 1762 — To amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes (Sen. Tim Johnson)

Order of Business: The bill will be considered under suspension of the rules on Wednesday, December 19, 2001.

Summary: S. 1762 extends the current interest rate calculations from loans originating between October 1, 1998 and July 1, 2003, to October 1, 1998 and July 1, 2006, and extends the special allowance provisions for in school and grace periods from 2003 to 2006. The bill also adds a new section to Higher Ed law setting interest rates at 6.8% on the unpaid principal for loans (such as the Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford

Loans) with first disbursements on or after July 1, 2006. The rate set for Plus Loans starting after July 1, 2006 is 7.9%, and for consolidation loans the rate is set at an annual rate that is equal to the lesser of the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of 1% or 8.25%.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Constitutional Authority: A committee report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: The bill extends the current interest calculations for federal student loans for an additional 3 years beyond 2003 and sets interest rates for loans originating after July 1, 2006.

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S. 1793 — Higher Education Relief Opportunities for Students Act of 2001 (Sen. Susan Collins)

Order of Business: The bill will be considered under suspension of the rules on Wednesday, December 19, 2001.

Summary: The House passed a very similar bill (H.R. 3086) on October 23, 2001, 415-0 (Roll Call # 395). S. 1793 authorizes the Secretary of Education to make waivers and modifications to federal financial student loan programs for individuals affected by the terrorist attacks of September 11 to ensure that such individuals are not placed in a worse financial situation as a result of the attacks and that administrative requirements are minimized.

Affected individuals include those serving on active or National Guard duty during the current national emergency, those who reside or are employed in an area declared a disaster area, and those who have suffered a direct economic hardship as a result of the attacks. In addition the bill authorizes the Secretary to provide relief from requirements to institutions of higher education, lenders, and other entities participating in student assistance programs.

The Secretary must report to the Education Committees 15 months after first exercising his authority on the impact of the waiver and the justification for using it. The authority to issue waivers and modifications terminates on September 30, 2003.

Sense of Congress tuition reimbursement: The bill also states that it is the Sense of Congress that postsecondary schools should provide a full refund to students who are members of the Armed Forces serving on active duty during this time and therefore unable to complete their academic credit hours.

Cost to Taxpayers: A CBO cost estimate is unavailable and would vary based on the type of relief provided by the Secretary of Education.

Constitutional Authority: A committee report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: The bill creates new Secretarial waiver authority for federal student loans provisions and regulations for students affected through military service or location by the events of September 11. The bill also creates a reporting requirement if and when this authority is exercised.

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